(3)

SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Write Petition No.2455 / 2006

PETITIONER : O. P. ~~Shrma~~ Sharma
S/O Sri R. C. ~~Shrma~~ Sharma
Age about 53 years occupetion
Sub Inspacter Police Station Dongarhgaon
Dist. Rajnandgaon (C.G.)

R.H. No. 20636 Presented by Shri Bhosle dated 13/11/06

VERSUS

RESPONDENTS :
1. State Of Chhattisgarh
Thrugh , Secretory (home)
Department of home
D.K.S.Bhawan MontralayRaipur
2. Director Genral of police
Through D.I.G. (Administration)
Police mukhylay Raipur (C.G.)
3. Inspector ~~Genral~~ General of police
(Raipur Range) Police mukhyalay
Raipur C.G.
4. Senioer, suporintedent of Plolice,
Raipur Dist. Raipur (C.G.)
5. Superintandant ofPolice
Rajandgaon Dist. Rajanadgaon(C.G.)

RECEIVED-COPY 17/11/06 CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OF MANDAMUS OR ANY OTHER FORM OR DIRECTION OR ORDER AS TO THE FACTS AND CIRCUMSTANTCES OF THE CASE

XI-HC-22

(47)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.2455/ सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	10-5-2006 Mr. Dinesh R.K. Tiwari, counsel for the petitioner. Mr. Satish Gupta, Deputy Govt. Advocate, for the State/respondents. Heard on I.A.No.4851/2006, application for filing of amended petition. It has been mentioned in the application that on account of spelling mistakes in the original petition, the petitioner has filed the amended petition with corrected spellings, therefore, the amended petition may be accepted. For the reasons mentioned in the application (I.A.No.4851/2006), it is allowed and the corrected/amended petition is taken on record. Also heard both the counsel on merit. By the instant writ petition under Article 226/227 of the Constitution of India, the petitioner has questioned the propriety of the order dated 8-2-2006 (Annexure P-1) whereby the petitioner has been transferred from Raipur Range to Bastar Range. It is settled law that transfer is an incidence of service and same can be legally challenged only on the ground of *mala fide* or if the same is made contrary to the statutory rules. The ground taken by the petitioner is that he is a patient of old slip disc since 2004. He took treatment at his native place Gwalior, however, the problem again restarted in 2005 & 2006. The petitioner is an employee of the Police Department and working as Sub Inspector. It is not a case where different duty is being assigned to the petitioner, therefore, this cannot be made ground for the challenge of transfer order. However, it is for the Department to consider the problem of the petitioner, looking to his ailment and for that purpose, the petitioner can make a representation to respondent No.2 and respondent No.2 shall consider the same in an objective manner and take appropriate decision, looking to the ailment, if any, of the petitioner.	

(48)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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Soma	With the aforesaid observations and direction, the petition stands disposed of. In view of this order, M.(W.)P.No.1850/2006 and I.A.No.4850/2006 also stand disposed of. Parties are entitled for certified copy of this order. Sd/- L.C. Bhadoo Judge	

[पीछे देखिये

16.2.06